

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

REC'D 04 NOV 2005

WIPO PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TS 6434 PCT	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/EP2004/052677	International filing date (day/month/year) 27.10.2004	Priority date (day/month/year) 29.10.2003	
International Patent Classification (IPC) or national classification and IPC E21B7/18, E21B10/60			
<p>Applicant SHELL INTERNATIONALE RESERACH MAATSCHAPPIJ B.V et</p> <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>			
Date of submission of the demand 29.07.2005	Date of completion of this report 07.11.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	<p>Authorized Officer Schouten, A Telephone No. +31 70 340-4088</p> 		

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/052677

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

**Description, Pages**

1-15 as originally filed

**Claims, Numbers**

1-17 received on 06.09.2005 with letter of 06.09.2005

**Drawings, Sheets**

1/4-4/4 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* *If item 4 applies, some or all of these sheets may be marked "superseded."*

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/052677

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-17
	No: Claims	
Inventive step (IS)	Yes: Claims	1-17
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
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International application No.  
PCT/EP2004/052677

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1 Reference is made to the following document:

D1: US 5 887 667 A (VAN ZANTE CRAIG A ET AL) 30 March 1999 (1999-03-30)

2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses in Fig. 4 (the references in parentheses applying to this document) a:

Distance holder (54) for use as a part of an excavating device arranged to generate a stream (70) of an abrasive fluid to be jetted against a geological formation (74) thereby excavating a hole (76) in the geological formation (74), the distance holder (54) having a wall with a trumpet shaped inner surface section to be facing the geological formation (74) there where it is to be excavated, whereby a recess (60) is formed in the trumpet shaped inner surface section of the wall thereby defining an opening in the trumpet shaped inner surface section to allow the stream (70) of the abrasive fluid to pass from within the recess through the trumpet shaped inner surface section to impact the geological formation (74).

The subject-matter of claim 1 differs from this known distance holder in that the recess forms a channel for guiding the stream of the abrasive fluid in the wall essentially parallel to the trumpet shaped inner surface section.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2.2 The problem to be solved by the present invention may be regarded as: undesired erosion into the bore hole wall, and a less effective use of the abrasive jet and the energy contained therein.

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REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

**PCT/EP2004/052677**

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: the recess forms a channel for guiding the stream of the abrasive fluid in the wall essentially parallel to the trumpet shaped inner surface section, this channel guides the stream of the abrasive fluid preventing uncontrolled divergence of the stream.

2.3 Claims 2-17 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.